

Senate Chamber, Atlanta, Georgia
Thursday, March 16, 2006
Thirty-third Legislative Day

The Senate met pursuant to adjournment at 9:00 a.m. today and was called to order by the President.

Senator Balfour of the 9th reported that the Journal of the previous legislative day had been read and found to be correct.

Senator Wiles of the 37th asked unanimous consent that Senator Weber of the 40th be excused. The consent was granted, and Senator Weber was excused.

Senator Rogers of the 21st asked unanimous consent that Senator Stephens of the 27th be excused. The consent was granted, and Senator Stephens was excused.

Senator Douglas of the 17th moved that the Senate reconsider its action in adopting the following resolution.

SR 1189. By Senators Miles of the 43rd, Seay of the 34th, Thomas of the 2nd, Butler of the 55th and Brown of the 26th:

A RESOLUTION commending Ms. Jane Fonda; and for other purposes.

On the motion to reconsider, Senator Smith of the 52nd called for the yeas and nays; the call was sustained and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	Starr
Y Brown	Hooks	Y Staton
Y Bulloch	Y Hudgens	E Stephens
Y Butler	Y Johnson	Y Stoner
Y Cagle	Y Jones	Y Tarver
Y Carter	Y Kemp	Y Tate
Y Chance	N Me V Bremen	Y Thomas,D
Y Chapman	Miles	Y Thomas,R
Y Douglas	Y Moody	Y Thompson,C
Fort	Y Mullis	Y Thompson,S
Y Goggans	Y Pearson	Y Tolleson
Y Golden	Y Powell	Y Unterman
Y Grant	Y Reed	E Weber
Y Hamrick	Y Rogers	Y Whitehead
Harbison	Y Schaefer	Y Wiles

Y Harp
Y Heath
Y Henson

Y Seabaugh
Y Seay
Y Shafer,D

Y Williams
Y Zamarripa

On the motion, the yeas were 48, nays 1; the motion prevailed, and SR 1189 was reconsidered and placed at the foot of today's Senate Rules Calendar.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

The House has passed by the requisite constitutional majority the following Bills of the House:

HB 1600. By Representatives Butler of the 18th, Bearden of the 68th and Brown of the 69th:

A BILL to be entitled an Act to amend an Act relating to the board of education and school superintendent of the Carroll County School District, approved March 20, 1985 (Ga. L. 1985, p. 3945), as amended, so as to reconstitute the board of education; to change the descriptions of the education districts; to provide for definitions and inclusions; to provide for the election and terms of office of members of the board; to provide for vacancies; to provide for eligibility and qualifications; to provide for submission of this Act for approval under the federal Voting Rights Act of 1965, as amended; to provide for an effective date; to repeal conflicting laws; and for other purposes.

HB 1603. By Representatives Jackson of the 161st, Stephens of the 164th, Bordeaux of the 162nd, Bryant of the 160th and Carter of the 159th:

A BILL to be entitled an Act to amend an Act governing the school system of the City of Savannah and Chatham County, approved March 21, 1968 (Ga. L. 1968, p. 2636), as amended, particularly by an Act approved April 14, 1997 (Ga. L. 1997, p. 4031), so as to modify the compensation of members of the Board of Public Education for the City of Savannah and the County of Chatham; to provide for applicability and an effective date; to repeal conflicting laws; and for other purposes.

HB 1608. By Representatives Richardson of the 19th and Maxwell of the 17th:

A BILL to be entitled an Act to amend an Act creating the Board of Commissioners of Paulding County, approved April 17, 1975 (Ga. L. 1975, p. 2916), as amended, particularly by an Act approved April 13, 2001 (Ga. L. 2001, p. 4145), so as to change the compensation of the chairperson and members of the commission; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 1609. By Representatives Fleming of the 117th and Channell of the 116th:

A BILL to be entitled an Act to amend an Act providing a new charter for the City of Washington, Georgia, approved February 14, 1958 (Ga. L. 1958, p. 2139), as amended, so as to change and extend the corporate limits of said city; to repeal conflicting laws; and for other purposes.

The House has passed by the requisite constitutional majority the following Bills of the Senate:

SB 120. By Senators Seabaugh of the 28th, Balfour of the 9th, Stoner of the 6th, Chance of the 16th, Hill of the 32nd and others:

A BILL to be entitled an Act to amend Chapter 5 of Title 46 of the Official Code of Georgia Annotated, relating to telephone and telegraph service, so as to provide legislative findings and intent; to provide definitions; to provide that no state agency shall impose any requirement on broadband service, voice over Internet protocol, or wireless service; to provide that existing requirements are void; to provide for exceptions and construction; to provide an effective date; to repeal conflicting laws; and for other purposes.

SB 486. By Senators Balfour of the 9th, Schaefer of the 50th, Grant of the 25th, Shafer of the 48th and Douglas of the 17th:

A BILL to be entitled an Act to amend Code Section 34-8-35 of the Official Code of Georgia Annotated, relating to the definition of employment under the employment security law, so as to exempt direct sellers from the definition of employment; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 616. By Senators Wiles of the 37th, Hill of the 32nd, Stoner of the 6th, Thompson of the 33rd and Rogers of the 21st:

A BILL to be entitled an Act to amend an Act creating the Cobb Judicial Circuit, approved February 19, 1951 (Ga. L. 1951, p. 184), as amended, so as to provide for the supplement to be paid to each of the judges of the superior court of said circuit and an additional supplement for the chief judge of said circuit; to repeal conflicting laws; to provide an effective date; and for other purposes.

- SB 626. By Senator Schaefer of the 50th:

A BILL to be entitled an Act to amend an Act providing a homestead exemption from all Habersham County ad valorem taxes, including taxes for educational purposes, in the amount of \$10,000.00 of the assessed value of the homestead for residents of that county school district who are 65 years of age or over, which Act is the former local constitutional amendment, Resolution Act No. 162, House Resolution No. 662-1850 (Ga. L. 1978, p. 2444), which was continued in effect as statutory law pursuant to Article VII, Section II, Paragraph IV of the Constitution, so as to provide for a definition of the term "homestead" for purposes of the exemption; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

- SB 627. By Senator Schaefer of the 50th:

A BILL to be entitled an Act to amend an Act creating the Habersham County Water and Sewerage Authority, approved April 6, 1981 (Ga. L. 1981, p. 3327), as amended, so as to continue in existence and reconstitute the authority; to provide for legislative findings; to provide for the termination of the terms of members of the authority appointed under previous law; to provide for the appointment of members and their qualifications, terms, chairperson, quorum, meetings, vacancies, and compensation; to provide for perpetual existence of the authority; to provide for ratification of outstanding revenue bond debt; to revise the powers of the authority; to provide that the authority shall exercise its powers with the consent of the Board of Commissioners of Habersham County; to expressly authorize lease of the assets of the authority, transfer of the authority's employees, and the provision of advice and recommendations to the Board of Commissioners of Habersham County; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

SB 628. By Senator Schaefer of the 50th:

A BILL to be entitled an Act to provide a homestead exemption from Habersham County school district ad valorem taxes for educational purposes for the full value of the homestead for residents of that school district who are disabled or are 65 years of age or over and whose income, excluding certain retirement income, does not exceed \$12,000.00; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

SB 629. By Senator Schaefer of the 50th:

A BILL to be entitled an Act to amend an Act providing for a homestead exemption from certain Habersham County ad valorem taxes for county purposes in an amount equal to the amount by which the current year assessed value of a homestead exceeds the base year assessed value of such homestead approved May 16, 2002 (Ga. L. 2002, p. 5864), so as to change the definition of homestead for purposes of such exemption; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

The House has passed, by substitute, by the requisite constitutional majority the following Bill of the Senate:

SB 264. By Senators Bulloch of the 11th and Meyer von Bremen of the 12th:

A BILL to be entitled an Act to amend Code Section 15-6-3 of the Official Code of Georgia Annotated, relating to terms of superior courts, so as to change certain terms of court in the Pataula Circuit; to repeal conflicting laws; and for other purposes.

The following communication was received by the Secretary:

Senator Eric Johnson
District 1
321 State Capitol
Atlanta, GA 30334

Committees:

Appropriations
Ethics
Finance
Natural Resources and the Environment
Regulated Industries and Utilities
Rules

The State Senate
Atlanta, Georgia 30334

MEMORANDUM

TO: Mr. Bob Ewing
Secretary of the Senate

FROM: Senate Committee on Assignments

Subject: Ex-Officio Member for the Senate Natural Resources and the Environment
Committee

The Committee on Assignments has appointed the following ex-officio member to the Senate Natural Resources and the Environment Committee to serve March 16th, 2006. The Senator appointed to serve as ex-officio member is:

Jeff Mullis of the 53rd

The appointment is for this date only and this Senator should not be considered to be a member of the committee beyond this date.

Please contact us if you have further questions.

Eric Johnson
/s/ Tommie Williams

Senator Williams of the 19th asked unanimous consent that Senator Starr of the 44th be excused. The consent was granted, and Senator Starr was excused.

The following Senate legislation was introduced, read the first time and referred to committee:

SR 1200. By Senators Thomas of the 54th, Unterman of the 45th and Goggans of the 7th:

A RESOLUTION creating the Senate Comprehensive Medical Education Study Committee; and for other purposes.

Referred to the Rules Committee.

The following House legislation was read the first time and referred to committee:

HB 1600. By Representatives Butler of the 18th, Bearden of the 68th and Brown of the 69th:

A BILL to be entitled an Act to amend an Act relating to the board of education and school superintendent of the Carroll County School District, approved March 20, 1985 (Ga. L. 1985, p. 3945), as amended, so as to reconstitute the board of education; to change the descriptions of the education districts; to provide for definitions and inclusions; to provide for the election and terms of office of members of the board; to provide for vacancies; to provide for eligibility and qualifications; to provide for submission of this Act for approval under the federal Voting Rights Act of 1965, as amended; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HB 1603. By Representatives Jackson of the 161st, Stephens of the 164th, Bordeaux of the 162nd, Bryant of the 160th and Carter of the 159th:

A BILL to be entitled an Act to amend an Act governing the school system of the City of Savannah and Chatham County, approved March 21, 1968 (Ga. L. 1968, p. 2636), as amended, particularly by an Act approved April 14, 1997 (Ga. L. 1997, p. 4031), so as to modify the compensation of members of the Board of Public Education for the City of Savannah and the County of Chatham; to provide for applicability and an effective date; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HB 1608. By Representatives Richardson of the 19th and Maxwell of the 17th:

A BILL to be entitled an Act to amend an Act creating the Board of Commissioners of Paulding County, approved April 17, 1975 (Ga. L. 1975, p. 2916), as amended, particularly by an Act approved April 13, 2001 (Ga. L. 2001, p. 4145), so as to change the compensation of the chairperson and members of the commission; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HB 1609. By Representatives Fleming of the 117th and Channell of the 116th:

A BILL to be entitled an Act to amend an Act providing a new charter for the City of Washington, Georgia, approved February 14, 1958 (Ga. L. 1958, p.

2139), as amended, so as to change and extend the corporate limits of said city; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

The following committee reports were read by the Secretary:

Mr. President:

The Education and Youth Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

HB 972 Do Pass
HB 1241 Do Pass

Respectfully submitted,
Senator Moody of the 56th District, Chairman

Mr. President:

The Public Safety and Homeland Security Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

HB 363	Do Pass	HB 1217	Do Pass
HB 1019	Do Pass by substitute	HB 1253	Do Pass by substitute

Respectfully submitted,
Senator Kemp of the 46th District, Chairman

Mr. President:

The Regulated Industries and Utilities Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

HB 1075 Do Pass
HB 1325 Do Pass by substitute

Respectfully submitted,
Senator Seabaugh of the 28th District, Chairman

Mr. President:

The State and Local Governmental Operations Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

HB 1375	Do Pass	HB 1557	Do Pass
HB 1475	Do Pass	SB 664	Do Pass

Respectfully submitted,
Senator Wiles of the 37th District, Chairman

The following legislation was read the second time:

HB 376	HB 1012	HB 1112	HB 1257	HB 1293	HB 1435
HB 692	HB 1018	HB 1120	HB 1272	HB 1310	HB 1496
HB 834	HB 1066	HB 1219	HB 1291	HB 1421	HR 1395
HB 950	HB 1092				

Senator Stephens of the 27th asked unanimous consent that Senator Williams of the 19th be excused. The consent was granted, and Senator Williams was excused.

Senator Harp of the 29th asked unanimous consent that Senator Harbison of the 15th be excused. The consent was granted, and Senator Harbison was excused.

Senator Goggans of the 7th introduced the doctor of the day, Dr. Tom Davis.

The members pledged allegiance to the flag.

Senator Heath of the 31st introduced the chaplain of the day, Chaplain Major Jim Howell of Atlanta, Georgia, who offered scripture reading and prayer.

Senator Whitehead of the 24th asked unanimous consent that Senator Seabaugh of the 28th be excused. The consent was granted, and Senator Seabaugh was excused.

Senator Seay of the 34th asked unanimous consent that Senator Thompson of the 33rd be excused. The consent was granted, and Senator Thompson was excused.

The roll was called and the following Senators answered to their names:

Adelman	Hill,Judson	Smith
Balfour	Hooks	Staton
Bulloch	Johnson	Stephens

Butler	Jones	Stoner
Cagle	Kemp	Tarver
Chance	Miles	Thomas,D
Chapman	Moody	Thomas,R
Douglas	Mullis	Thompson,C
Goggans	Pearson	Thompson,S
Golden	Powell	Tolleson
Grant	Reed	Unterman
Harp	Rogers	Whitehead
Heath	Schaefer	Wiles
Henson	Seay	Williams
Hill,Jack	Shafer,D	Zamarripa

Not answering were Senators:

Brown	Carter	Fort
Hamrick	Harbison (Excused)	Hudgens
Meyer von Bremen	Seabaugh (Excused)	Starr (Excused)
Tate	Weber (Excused)	

The following members were off the floor of the Senate when the roll was called and wish to be recorded as present:

Senators: Brown Tate

The following resolutions were read and adopted:

SR 1198. By Senator Miles of the 43rd:

A RESOLUTION commending Gretchen and William Winfield; and for other purposes.

SR 1199. By Senator Thomas of the 2nd:

A RESOLUTION congratulating Braddy Electric Company; and for other purposes.

SR 1201. By Senators Thomas of the 54th, Unterman of the 45th and Goggans of the 7th:

A RESOLUTION commending the Together Rx Access Card program and its participating pharmaceutical companies; and for other purposes.

SR 1202. By Senators Mullis of the 53rd, Whitehead, Sr. of the 24th, Chance of the 16th and Hooks of the 14th:

A RESOLUTION commending and recognizing Scientific Games International; and for other purposes.

SR 1203. By Senators Mullis of the 53rd, Whitehead, Sr. of the 24th, Chance of the 16th and Hooks of the 14th:

A RESOLUTION commending the Georgia Lottery Corporation on raising eight billion dollars for education; and for other purposes.

SR 1204. By Senators Mullis of the 53rd, Whitehead, Sr. of the 24th, Schaefer of the 50th, Chance of the 16th, Rogers of the 21st and others:

A RESOLUTION commending Georgia's restaurant industry; and for other purposes.

Senator Mullis of the 53rd asked unanimous consent that Senator Balfour of the 9th be excused. The consent was granted, and Senator Balfour was excused.

Senator Mullis of the 53rd asked unanimous consent that Senator Johnson of the 1st be excused. The consent was granted, and Senator Johnson was excused.

Senator Mullis of the 53rd asked unanimous consent that Senator Williams of the 19th be excused. The consent was granted, and Senator Williams was excused.

Senator Mullis of the 53rd asked unanimous consent that Senator Hill of the 4th be excused. The consent was granted, and Senator Hill was excused.

Senator Mullis of the 53rd asked unanimous consent that Senator Smith of the 52nd be excused. The consent was granted, and Senator Smith was excused.

The following local, uncontested legislation, favorably reported by the committee as listed on the Local Consent Calendar, was put upon its passage:

SENATE LOCAL CONSENT CALENDAR

Thursday, March 16, 2006
Thirty-third Legislative Day

(The names listed are the Senators whose districts are affected by the legislation.)

SB 664

Pearson of the 51st
PICKENS COUNTY

A BILL to be entitled an Act to create the Pickens County Airport Authority; to provide for a short title and legislative findings; to confer powers and impose duties on the authority; to provide for the membership and the appointment of members of the authority and their terms of office, qualifications, duties, powers, and compensation; to provide for vacancies, organization, meetings, and expenses; to prohibit authority employees and members from having certain interests; to provide for definitions; to provide for revenue bonds and their form, signatures thereon, negotiability, sale, and use of proceeds from such sales; to provide for interim documents and for lost or mutilated documents; to provide for conditions for issuance; to provide for an effective date; to repeal conflicting laws; and for other purposes.

SR 871

Hill of the 32nd
Reed of the 35th
Zamarripa of the 36th
Tate of the 38th
Fort of the 39th
Shafer of the 48th
Moody of the 56th
FULTON COUNTY

A RESOLUTION to repeal the amendment to the Constitution of Georgia creating within Fulton County the Fulton County Industrial District and prohibiting the governing authority of Fulton County from levying any tax for educational purposes within such district; to provide for a referendum with respect to the effectiveness of the foregoing; to repeal conflicting laws; and for other purposes

HB 1375

Johnson of the 1st
Thomas of the 2nd
CITY OF SAVANNAH

A BILL to be entitled an Act to authorize the City of Savannah to exercise all redevelopment and other powers under Article IX, Section II, Paragraph VII(b) of the Constitution and Chapter 44 of Title 36 of the O.C.G.A., the "Redevelopment Powers Law," as

amended; to provide for a referendum; to provide effective dates; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

HB 1475

Pearson of the 51st
CITY OF ELLIJAY

A BILL to be entitled an Act to amend an Act providing a new charter for the City of Ellijay in Gilmer County, approved April 11, 1979 (Ga. L. 1979, p. 3881), so as to change the corporate limits of the city; to provide for the inclusion of certain additional territory as a part of the City of Ellijay; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1557

Hill of the 4th
CITY OF COLLINS

A BILL to be entitled an Act to amend an Act to re-create and reincorporate the City of Collins, approved April 17, 1975 (Ga. L. 1975, p. 3792), so as to repeal a provision relating to limitations on terms of service; to provide for other matters; to repeal conflicting laws; and for other purposes.

The report of the committee, which was favorable to the passage of the local legislation as reported, was agreed to.

On the passage of the legislation, a roll call was taken, and the vote was as follows:

Y Adelman	E Hill,Jack	E Smith
E Balfour	Y Hill,Judson	E Starr
Brown	Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
Y Butler	E Johnson	Y Stoner
Y Cagle	Y Jones	Y Tarver
Y Carter	Y Kemp	Tate
Y Chance	Me V Bremen	Y Thomas,D
Y Chapman	Miles	Y Thomas,R
Y Douglas	Y Moody	Thompson,C
Fort	Y Mullis	Thompson,S
Y Goggans	Y Pearson	Y Tolleson
Y Golden	Y Powell	Y Unterman
Y Grant	Y Reed	E Weber
Y Hamrick	Y Rogers	Y Whitehead

Y Harbison
Y Harp
Y Heath
Y Henson

Y Schaefer
Y Seabaugh
Y Seay
Y Shafer,D

Y Wiles
E Williams
Y Zamarripa

On the passage of the local legislation, the yeas were 41, nays 0.

The legislation on the Local Consent Calendar, having received the requisite constitutional majority, was passed.

Senators Harp of the 29th and Harbison of the 15th recognized representatives of "Columbus Day" at the Capitol, commended by SR 1192, adopted previously.

NOTICE OF MOTION TO RECONSIDER:

SR 1189 Fonda, Ms. Jane; commend (43rd)

SENATE RULES CALENDAR THURSDAY, MARCH 16, 2006 THIRTY-THIRD LEGISLATIVE DAY

HB 989	Clerks of superior courts; real estate or personal property filing fees; sunset dates; change (JUDY-49th) Fleming-117th
HB 1055	Public schools; Internet safety policies; adopt and implement (S&T-11th) Keown-173rd
HB 749	Firefighters' Pension; certain active military duty; creditable service (RET-38th) Cummings-16th
HB 999	Veterinarians and veterinary technicians; certain requirements; change provisions (AG&CA-11th) Maddox-172nd
HB 1151	Deferred compensation plan; Board of Trustees; administer (RET-21st) Cole-125th
HB 251	Judges of the Probate Courts Retirement Fund; designating surviving beneficiary (Substitute)(RET-31st) Bridges-10th
HB 809	Superior Court Clerks' Retirement; survivors benefits; amend provisions (RET-25th) Knight-126th

- HB 1042 Annual accounting periods; treatment of taxable years; amend provisions
(FIN-49th) Williams-4th
- HB 912 Civil practice; production of documents; amend provisions (Substitute)
(S JUDY-52nd) Fleming-117th

Respectfully submitted,

/s/ Balfour of the 9th, Chairman
Senate Rules Committee

Senator Pearson of the 51st asked unanimous consent that Senator Schaefer of the 50th be excused. The consent was granted, and Senator Schaefer was excused.

Senator Seay of the 34th asked unanimous consent that Senator Thompson of the 33rd be excused. The consent was granted, and Senator Thompson was excused.

The following legislation was read the third time and put upon its passage:

HB 989. By Representatives Fleming of the 117th, Willard of the 49th, Ralston of the 7th and Hatfield of the 177th:

A BILL to be entitled an Act to amend Article 2 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to clerks of superior courts, so as to change sunset dates for real estate or personal property filing fees; to change a sunset date relating to the state-wide uniform automated information system; to change a sunset date relating to collection and remittance of real estate or personal property filing fees; to provide for related matters; to repeal conflicting laws; and for other purposes.

Senate Sponsor: Senator Cagle of the 49th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	E Hill,Jack	Y Smith
E Balfour	Y Hill,Judson	E Starr
Y Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
Y Butler	E Johnson	Y Stoner
Y Cagle	Y Jones	Y Tarver

Y Carter	Y Kemp	Tate
Y Chance	Me V Bremen	Y Thomas,D
Y Chapman	Miles	Y Thomas,R
Douglas	Y Moody	Y Thompson,C
Y Fort	Y Mullis	E Thompson,S
Y Goggans	Y Pearson	Y Tolleson
Y Golden	Y Powell	Y Unterman
Grant	Y Reed	E Weber
Y Hamrick	Y Rogers	Whitehead
Y Harbison	E Schaefer	Y Wiles
Y Harp	Y Seabaugh	E Williams
Y Heath	Y Seay	Y Zamarripa
Y Henson	Y Shafer,D	

On the passage of the bill, the yeas were 42, nays 0.

HB 989, having received the requisite constitutional majority, was passed.

Senator Chance of the 16th asked unanimous consent that Senator Douglas of the 17th be excused. The consent was granted, and Senator Douglas was excused.

Senator Whitehead of the 24th asked unanimous consent that Senator Grant of the 25th be excused. The consent was granted, and Senator Grant was excused.

Senator Seay of the 34th asked unanimous consent that Senator Zamarripa of the 36th be excused. The consent was granted, and Senator Zamarripa was excused.

Senator Bulloch of the 11th asked unanimous consent that Senator Meyer von Bremen of the 12th be excused. The consent was granted, and Senator Meyer von Bremen was excused.

HB 1055. By Representatives Keown of the 173rd, Freeman of the 140th, Hill of the 21st, Setzler of the 35th, Black of the 174th and others:

A BILL to be entitled an Act to amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to provide for a short title; to provide for the adoption and implementation of Internet safety policies in public schools; to provide for the adoption and implementation of Internet safety policies in public libraries; to provide for related matters; to repeal conflicting laws; and for other purposes.

Senate Sponsor: Bulloch of the 11th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	E Hill,Jack	Smith
E Balfour	Y Hill,Judson	E Starr
Y Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
Y Butler	E Johnson	Y Stoner
Y Cagle	Y Jones	Y Tarver
Y Carter	Y Kemp	Y Tate
Y Chance	E Me V Bremen	Y Thomas,D
Y Chapman	Y Miles	Y Thomas,R
E Douglas	Y Moody	Y Thompson,C
Y Fort	Y Mullis	E Thompson,S
Y Goggans	Y Pearson	Y Tolleson
Y Golden	Y Powell	Y Unterman
Y Grant	Y Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	E Schaefer	Y Wiles
Y Harp	Y Seabaugh	E Williams
Y Heath	Y Seay	E Zamarripa
Y Henson	Y Shafer,D	

On the passage of the bill, the yeas were 45, nays 0.

HB 1055, having received the requisite constitutional majority, was passed.

The following communication was received by the Secretary:

Senator Preston Smith
District 52
301-A Coverdell Legislative Office Building
Atlanta, GA 30334

Committees:
Appropriations
Ethics
Health and Human Services
Judiciary
Reapportionment and Redistricting
Retirement

The State Senate
Atlanta, Georgia 30334

March 16, 2006

Mr. Bob Ewing
Secretary of the Senate
State Capitol
Atlanta, Georgia 30334

Dear Bob:

I was unable to register my vote on HB 1055 at the time the vote was recorded. I would respectfully request that the Senate Journal reflect that had my vote been recorded as I intended, it would have been a Yes vote on HB 1055. Please do not hesitate to contact me if you have any questions or concerns.

Sincerely,

/s/ Preston W. Smith

HB 749. By Representatives Cummings of the 16th and Forster of the 3rd:

A BILL to be entitled an Act to amend Chapter 7 of Title 47 of the Official Code of Georgia Annotated, relating to the Georgia Firefighters' Pension Fund, so as to provide for creditable service in the fund for certain active military duty; to provide for the calculation of creditable service on a monthly basis; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

Senate Sponsor: Senator Tate of the 38th.

The following Fiscal Notes, as required by law, were read by the Secretary:



Department of Audits and Accounts

254 Washington Street, S.W., Suite 214
Atlanta, Georgia 30334-8400

Russell W. Hinton
State Auditor
(404) 656-2174

February 17, 2005

The Honorable Bill Cummings
State Representative
Legislative Office Building, Room 604-A
Atlanta, Georgia 30334

SUBJECT: State Auditor's Certification
House Bill 749 (LC 21 8195)

Dear Representative Cummings:

This bill would amend provisions relating to creditable service and retirement benefits for members of the Georgia Firefighters' Pension Fund. Specifically, this bill would allow members to obtain creditable service for a break in service as a result of being called to active duty as a member of the Army or Air Force National Guard or the Army, Air Force, Navy, or Marine Corps Reserve on or after September 14, 2001. Creditable service may only be granted if the member returns to employment as a firefighter once released from active duty and if the member pays the board for the cost of the normal monthly dues owed during such break in service. This bill would also authorize the Board to calculate creditable service on a monthly basis for periods of time less than a year.

This is to certify that this is a fiscal retirement bill as defined in the Public Retirement Systems Standards Law.

Respectfully,

/s/ Russell W. Hinton
State Auditor



Department of Audits and Accounts

270 Washington Street, S.W., Suite 1-156
Atlanta, Georgia 30334-8400

Russell W. Hinton
State Auditor
(404) 656-2174

October 27, 2005

Honorable Ben Bridges, Chairman
House Retirement Committee
State Capitol, Room 402
Atlanta, Georgia 30334

SUBJECT: Actuarial Investigation
House Bill 749 (LC 21 8470S)
Georgia Firefighters' Pension Fund
Georgia Class Nine Fire Department Pension Fund

Dear Chairman Bridges:

This bill would amend provisions relating to retirement and pensions for members of the Georgia Class Nine Fire Department Pension Fund. If this legislation is enacted, this Fund would be merged into the Georgia Firefighters' Pension Fund effective July 1, 2006. All persons who are currently members of the Georgia Class Nine Fire Department Pension Fund would become members of the Georgia Firefighters' Pension Fund on that date. Any class nine firefighter who wishes to join a retirement system in the future, would be eligible to join the Georgia Firefighters' Pension Fund. This legislation provides for the transfer of all assets from the Georgia Class Nine Fire Department Pension Fund into the Georgia Firefighters' Pension Fund and specifies that no further funding will be provided to the Georgia Class Nine Fire Department Pension Fund.

The first year cost to the Georgia Firefighters' Pension Fund would be \$431,000 in order to meet the concurrent funding requirements of O.C.G.A. 47-20-50. This cost includes \$84,000 each year for the next 30 years to amortize the unfunded actuarial accrued liability and \$347,000 each year to fund the normal cost. According to the actuary, there are currently 220 members in the Georgia Class Nine Fire Department Pension Fund, and all would become members of the Georgia Firefighters' Pension Fund if this legislation is enacted. The estimated first year cost to the Georgia Firefighters' Pension Fund represents the cost associated with providing improved benefits to these members. Currently, revenues for the Fund are generated from member contributions, the 1% tax on gross premiums issued by fire insurance companies in Georgia, and interest on the Fund's assets. Based on information obtained from the actuary, revenues generated by the Fund are sufficient to cover the full cost of this bill, provided membership from class nine fire departments does not significantly increase once the two Funds are merged. The cost estimate is based on current member data, actuarial assumptions, and actuarial methods. It should be noted that changes in any of these variables could affect the cost of this legislation.

This bill would not result in any cost to the Georgia Class Nine Fire Department Pension Fund. According to the provisions of this legislation, all assets and liabilities of this Fund would be transferred to the Georgia Firefighters' Pension Fund.

The following is a summary of the relevant findings of the actuarial investigations for this bill pursuant to a request by the House Retirement Committee. The investigations were to be conducted according to O.C.G.A. 47-20-36, which outlines the factors to be

considered in an actuarial investigation. The figures are based on employee data and the most recent actuarial assumptions and methods.

Georgia Firefighters' Pension Fund

- | | |
|---|---------------------------|
| (1) The amount of the unfunded actuarial accrued liability which will result from the bill. | <u>\$ 1,230,000</u> |
| (2) The amount of the annual amortization of the unfunded actuarial accrued liability which will result from the bill. | <u>\$ 84,000</u> |
| (3) The number of years that the unfunded actuarial accrued liability created by this bill would be amortized. | <u>30</u> |
| (4) The amount of the annual normal cost which will result from the bill. | <u>\$ 347,000</u> |
| (5) The employer contribution rate currently in effect. | <u>1% tax on premiums</u> |
| (6) The employer contribution rate recommended (in conformity with minimum funding standards specified in Code Section 47-20-10). | <u>1% tax on premiums</u> |
| (7) The dollar amount of the increase in the annual employer contribution which is necessary to maintain the retirement system in an actuarially sound condition. | <u>\$ 0*</u> |

* This bill would increase costs in the first year by \$431,000. However, based on information obtained from the actuary, the amount of revenues currently generated by the Fund is sufficient to cover any additional costs associated with this legislation. Therefore, it would not be necessary to increase the annual employer contribution in order to fund this legislation.

Georgia Class Nine Fire Department Pension Fund

- | | |
|--|-------------|
| (1) The amount of the unfunded actuarial accrued liability which will result from the bill. | <u>\$ 0</u> |
| (2) The amount of the annual amortization of the unfunded actuarial accrued liability which will result from the bill. | <u>\$ 0</u> |
| (3) The number of years that the unfunded actuarial accrued liability created by this bill would be amortized. | <u>N/A</u> |
| (4) The amount of the annual normal cost which will result from the bill. | <u>\$ 0</u> |

- (5) The employer contribution rate currently in effect. Tax on applicable premiums
- (6) The employer contribution rate recommended (in conformity with minimum funding standards specified in Code Section 47-20-10). N/A
- (7) The dollar amount of the increase in the annual employer contribution which is necessary to maintain the retirement system in an actuarially sound condition. \$ 0

It should be noted that any subsequent changes in the retirement bill will invalidate the actuarial investigations and the findings included therein.

Respectfully,

/s/ Russell W. Hinton
State Auditor

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	E Starr
Y Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
Y Butler	Y Johnson	Y Stoner
Y Cagle	Y Jones	Y Tarver
Y Carter	Y Kemp	Tate
Y Chance	E Me V Bremen	Y Thomas,D
Y Chapman	Y Miles	Y Thomas,R
E Douglas	Y Moody	Y Thompson,C
Y Fort	Y Mullis	E Thompson,S
Goggans	Y Pearson	Y Tolleson
Golden	Y Powell	Y Unterman
Y Grant	Y Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	E Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	Y Seay	E Zamarripa
Y Henson	Y Shafer,D	

On the passage of the bill, the yeas were 46, nays 0.

HB 749, having received the requisite constitutional majority, was passed.

Senator Hill of the 4th introduced Deputy Patrick Neal, commended by SR 867, adopted previously. Deputy Neal addressed the Senate briefly.

Senator Heath of the 31st recognized members of the Civil Air Patrol.

Senator Harp of the 29th asked unanimous consent that Senator Harbison of the 15th be excused. The consent was granted, and Senator Harbison was excused.

The Calendar was resumed.

HB 999. By Representatives Maddox of the 172nd, Burkhalter of the 50th, Keen of the 179th, McCall of the 30th, Ray of the 136th and others:

A BILL to be entitled an Act to amend Chapter 50 of Title 43 of the O.C.G.A., relating to veterinarians and veterinary technicians, so as to change certain provisions relating to definitions relative to such chapter; to change certain provisions relating to exemptions from licensing and registration requirements; to change certain provisions relating to veterinary technicians; to provide for legislative purpose; to authorize the practice of veterinary technology by veterinary technicians under certain circumstances; to change certain provisions relating to application for registration as veterinary technician, qualifications, examination, renewal, applicants registered in other states, and responsibility of the State Board of Veterinary Medicine; to change certain provisions relating to scheduling and administration of examinations, reexamination, and reactivation; to provide an effective date; to repeal conflicting laws; and for other purposes.

Senate Sponsor: Senator Bulloch of the 11th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	E Starr
Y Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Stephens
Y Butler	Y Johnson	Stoner

Y Cagle	Y Jones	Y Tarver
Y Carter	Y Kemp	Y Tate
Y Chance	E Me V Bremen	Y Thomas,D
Y Chapman	Y Miles	Y Thomas,R
Y Douglas	Y Moody	Y Thompson,C
Fort	Y Mullis	E Thompson,S
Goggans	Y Pearson	Y Tolleson
Golden	Y Powell	Y Unterman
Y Grant	Y Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
E Harbison	E Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	Y Seay	E Zamarripa
Henson	Y Shafer,D	

On the passage of the bill, the yeas were 44, nays 0.

HB 999, having received the requisite constitutional majority, was passed.

The following resolution was read and adopted:

HR 1834. By Representatives Keen of the 179th and Fleming of the 117th:

A RESOLUTION

Relative to adjournment; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA that, unless otherwise provided by subsequent resolution of the General Assembly, the meeting dates and dates of adjournment for the 2006 regular session of the General Assembly for the period of March 21, 2006, through March 27, 2006, shall be as follows:

Tuesday, March 21.....	in adjournment
Wednesday, March 22.....	in session for legislative day 35
Thursday, March 23	in session for legislative day 36
Friday, March 24.....	in session for legislative day 37
Saturday, March 25	in adjournment
Sunday, March 26	in adjournment
Monday, March 27	in session for legislative day 38

BE IT FURTHER RESOLVED that on and after March 27, 2006, the periods of adjournment of the 2006 session, if any, shall be as specified by subsequent resolution of the General Assembly, except that for the remainder of the 2006 regular session, unless

otherwise provided by subsequent resolution, the General Assembly shall adjourn at the close of the legislative day on each Friday on which the General Assembly is in session and shall reconvene on the following Monday.

BE IT FURTHER RESOLVED that, as authorized by Code Section 28-1-2, the hours for closing and convening the Senate on each day may be as ordered by the Senate; and the hours for closing and convening the House on each day may be as ordered by the House.

Senator Thomas of the 54th asked unanimous consent that Senator Pearson of the 51st be excused. The consent was granted, and Senator Pearson was excused.

Senator Whitehead of the 24th asked unanimous consent that Senator Grant of the 25th be excused. The consent was granted, and Senator Grant was excused.

The Calendar was resumed.

HB 1151. By Representatives Cole of the 125th, Roberts of the 154th, Smith of the 129th and Golick of the 34th:

A BILL to be entitled an Act to amend Article 2 of Chapter 18 of Title 45 of the Official Code of Georgia Annotated, relating to deferred compensation plans, so as to provide that the Board of Trustees of the Employees' Retirement System of Georgia shall be the successor to the Employee Benefit Council for the purpose of administering certain deferred compensation plans; to provide for the transfer of certain accounts and funds; to provide an effective date; to repeal conflicting laws; and for other purposes.

Senate Sponsor: Senator Rogers of the 21st.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	E Starr
Y Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
Y Butler	Y Johnson	Stoner
Y Cagle	Y Jones	Y Tarver
Y Carter	Y Kemp	Y Tate
Y Chance	Y Me V Bremen	Y Thomas,D
Chapman	Y Miles	Y Thomas,R

Douglas	Y Moody	Y Thompson,C
Y Fort	Y Mullis	E Thompson,S
Y Goggans	E Pearson	Y Tolleson
Golden	Y Powell	Y Unterman
E Grant	Y Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
E Harbison	E Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	Y Seay	E Zamarripa
Y Henson	Y Shafer,D	

On the passage of the bill, the yeas were 45, nays 0.

HB 1151, having received the requisite constitutional majority, was passed.

Senator Heath of the 31st asked unanimous consent that Senator Johnson of the 1st be excused. The consent was granted, and Senator Johnson was excused.

HB 251. By Representatives Bridges of the 10th, Cummings of the 16th, Coleman of the 97th and Forster of the 3rd:

A BILL to be entitled an Act to amend Article 5 of Chapter 11 of Title 47 of the Official Code of Georgia Annotated, relating to retirement benefits and refund of dues under the Judges of the Probate Courts Retirement Fund of Georgia, so as to provide that a member who is unmarried at the time of retirement may elect a retirement option of an actuarially reduced amount with payment made to a designated surviving beneficiary; to provide that a member who is married at the time of retirement may make such an election with the consent of his or her spouse; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

Senate Sponsor: Senator Heath of the 31st.

The Senate Retirement Committee offered the following substitute to HB 251:

A BILL TO BE ENTITLED AN ACT

To amend Article 5 of Chapter 11 of Title 47 of the Official Code of Georgia Annotated, relating to retirement benefits and refund of dues under the Judges of the Probate Courts Retirement Fund of Georgia, so as to provide that a member who is unmarried at the time of retirement may elect a retirement option of an actuarially reduced amount with payment made to a designated surviving beneficiary; to provide that a member who is

married at the time of retirement may make such an election with the consent of his or her spouse; to provide restrictions; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 5 of Chapter 11 of Title 47 of the Official Code of Georgia Annotated, relating to retirement benefits and refund of dues under the Judges of the Probate Courts Retirement Fund of Georgia, is amended by striking in its entirety subsection (b) of Code Section 47-11-71, relating to the amount of retirement benefits, optional retirement benefits, and the manner in which persons not eligible for maximum benefits at retirement may become eligible, and inserting in lieu thereof the following:

"(b)(1) In lieu of receiving the retirement benefits provided for in subsection (a) of this Code section, a judge of the probate court or employee of the board may elect in writing, on a form to be provided by the board at the time the judge or employee becomes eligible to receive retirement benefits, to receive a monthly retirement benefit payable up to the date of the death of the designated survivor, which benefit shall be based on the judge's or employee's age at retirement and the age of the judge's or employee's ~~spouse~~ designated survivor at that time and shall be computed so as to be actuarially equivalent to the total retirement payment which would have been paid to the judge or employee under subsection (a) of this Code section. A member who is unmarried at the time of such election may designate a survivor at the time of making such election. If a member is married at the time of such election, his or her spouse shall be the designated survivor unless another person is so designated with the written agreement of the spouse. In any event, the designated survivor shall be a person with whom the member has a familial relationship through blood, marriage, or adoption. Such actuarial equivalent shall be computed on the Group Annuity Table for 1951 using 5 1/2 percent interest. The spouse designated at the time of the judge's or employee's retirement shall be the only spouse who may draw these benefits.

(2) If a member elects the option provided in paragraph (1) of this subsection, then, after the approval of the application for retirement, the following provisions apply:

(A) If the member's ~~spouse~~ designated survivor shall predecease the member, the member may, in writing on forms prescribed by the board and subject to approval by the board, revoke such option and thereafter receive during the member's lifetime a monthly retirement benefit commencing on the date on which the board approves such revocation, but not for any period prior to such approval, equal to the maximum monthly benefit which would have been payable to him had such option not been exercised;

(B) If there is entered a final judgment of complete divorce between the member and the member's spouse who is the designated survivor, the member may, in writing on forms prescribed by the board and subject to approval by the board,

revoke such option and thereafter receive during the member's lifetime a monthly retirement benefit commencing on the date on which the board approves such revocation, but not for any period prior to such approval, equal to the maximum monthly benefit which would have been payable had such option not been exercised; and

(C) If, following the death of the member's spouse or the entry of a final judgment of divorce between the member and the member's spouse who is the designated survivor, the member remarries, the member may, in writing on forms prescribed by the board and subject to approval by the board, elect such option with respect to the member's new spouse. The joint and survivor benefit shall be determined as of the date of the election. No such election shall be made until the expiration of one year after the date of remarriage or until a child of the remarried couple is born, whichever is earlier."

SECTION 2.

This Act shall become effective on July 1, 2006, only if it is determined to have been concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not become effective and shall be automatically repealed in its entirety on July 1, 2006, as required by subsection (a) of Code Section 47-20-50.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The following Fiscal Note, as required by law, was read by the Secretary:



Department of Audits and Accounts

270 Washington Street, S.W., Suite 1-156
Atlanta, Georgia 30334-8400

Russell W. Hinton
State Auditor
(404) 656-2174

February 28, 2006

The Honorable Bill Heath, Chairman
Senate Retirement Committee
Paul D. Coverdell Office Building, Room 304-B
Atlanta, Georgia 30334

SUBJECT: State Auditor's Certification
Substitute to House Bill 251
(LC 21 8838S)

Dear Chairman Heath:

This bill would amend provisions relating to retirement benefits for members of the Judges of the Probate Courts Retirement Fund. Specifically, this bill would allow an unmarried member to designate a survivor. An actuarially reduced benefit would then be paid out for the remainder of the member's life and the life of the survivor. This bill would allow married members to designate someone other than a spouse as a survivor, provided the spouse agrees in writing to such designation. Under the provisions of the substitute bill, the designated survivor is defined as a person with whom the member has a familial relationship through blood, marriage, or adoption.

This is to certify that the changes made in this substitute bill are nonfiscal amendments as defined in the Public Retirement Systems Standards Law. The actuarial investigation for (LC21 8046) would still apply to (LC 21 8838S).

Respectfully,

/s/ Russell W. Hinton
State Auditor

On the adoption of the substitute, the yeas were 37, nays 0, and the committee substitute was adopted.

The report of the committee, which was favorable to the passage of the bill by substitute, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	E Starr
Y Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
Y Butler	E Johnson	Y Stoner
Y Cagle	Y Jones	Y Tarver
Carter	Y Kemp	Y Tate
Y Chance	Y Me V Bremen	Y Thomas,D
Y Chapman	Y Miles	Y Thomas,R
Y Douglas	Y Moody	Y Thompson,C
Y Fort	Y Mullis	E Thompson,S

Y Goggans
Y Golden
Y Grant
Y Hamrick
E Harbison
Y Harp
Y Heath
Y Henson

E Pearson
Y Powell
Y Reed
Y Rogers
E Schaefer
Y Seabaugh
Y Seay
Y Shafer,D

Y Tolleson
Y Unterman
Y Weber
Y Whitehead
Y Wiles
Y Williams
E Zamarripa

On the passage of the bill, the yeas were 48, nays 0.

HB 251, having received the requisite constitutional majority, was passed by substitute.

Senator Moody of the 56th asked unanimous consent that Senator Goggans of the 7th be excused. The consent was granted, and Senator Goggans was excused.

Senator Kemp of the 46th asked unanimous consent that Senator Hudgens of the 47th be excused. The consent was granted, and Senator Hudgens was excused.

HB 809. By Representatives Knight of the 126th, Lunsford of the 110th and Yates of the 73rd:

A BILL to be entitled an Act to amend Code Section 47-14-70 of the Official Code of Georgia Annotated, relating to eligibility for retirement benefits in the Superior Court Clerk's Retirement Fund, additional or partial retirement benefits, and election to provide both retirement and survivors benefits, so as to provide that certain persons who elected a survivors benefit and whose spouse predeceased him or her shall receive a postretirement benefit adjustment; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

Senate Sponsor: Senator Grant of the 25th.

The following Fiscal Notes, as required by law, were read by the Secretary:



Department of Audits and Accounts

270 Washington Street, S.W., Suite 1-156
Atlanta, Georgia 30334-8400

Russell W. Hinton
State Auditor
(404) 656-2174

October 10, 2005

Honorable Ben Bridges, Chairman
House Retirement Committee
State Capitol, Room 402
Atlanta, Georgia 30334

SUBJECT: Actuarial Investigation
House Bill 809 (LC 21 8309)
Superior Court Clerks' Retirement Fund

Dear Chairman Bridges:

This bill would amend provisions relating to survivors benefits for retired members of the Superior Court Clerks' Retirement Fund. Specifically, this bill would provide for a postretirement benefit adjustment for certain retired members who are receiving benefits as of July 1, 2006. Such adjustment would be provided to those retired members who elected survivors benefits, however, the spouse predeceases the member. If this legislation is enacted, the retirement allowance would be adjusted to equal 100% of the normal retirement allowance due to the member.

The first year cost of this legislation would be \$23,743 in order to meet the concurrent funding requirements of O.C.G.A. 47-20-50. This is the amount required each year to fund the normal cost. However, since the Fund is currently in a well-funded position, the employer contribution will not increase if this legislation is enacted. The estimated cost is based on member data, actuarial assumptions, and actuarial methods. It should be noted that changes in any of these variables could affect the cost of this legislation. Any future costs would be paid through a portion of fines, court fees, and bond forfeitures.

The following is a summary of the relevant findings of the actuarial investigation for this bill pursuant to a request by the House Retirement Committee. The investigation was to be conducted according to O.C.G.A. 47-20-36, which outlines the factors to be considered in an actuarial investigation. The figures are based on employee data and the most recent actuarial assumptions and methods.

- (1) The amount of the unfunded actuarial accrued liability which will result from the bill. \$ 0
- (2) The amount of the annual amortization of the unfunded actuarial accrued liability which will result from the bill. \$ 0

- (3) The number of years that the unfunded actuarial accrued liability created by this bill would be amortized. N/A
- (4) The amount of the annual normal cost which will result from the bill. \$ 23,743
- (5) The employer contribution rate currently in effect. A portion of fines, fees, and bond forfeitures
- (6) The employer contribution rate recommended (in conformity with minimum funding standards specified in Code Section 47-20-10). A portion of fines, fees, and bond forfeitures
- (7) The dollar amount of the increase in the annual employer contribution which is necessary to maintain the retirement system in an actuarially sound condition. \$ 0*

* According to the actuary, the first year cost of this legislation is \$23,743. However, the required employer contribution would not increase since this Fund is in a well-funded position. Currently, the amount of revenue generated from fines, court fees, and bond forfeitures is sufficient to cover the additional costs associated with this bill and to ensure the Fund remains funded in accordance with the State's minimum funding standards.

It should be noted that any subsequent changes in the retirement bill will invalidate the actuarial investigations and the findings included therein.

Respectfully,

/s/ Russell W. Hinton
State Auditor



Department of Audits and Accounts

254 Washington Street, S.W., Suite 214
Atlanta, Georgia 30334-8400

Russell W. Hinton
State Auditor
(404) 656-2174

March 3, 2005

The Honorable John Lunsford
State Representative
State Capitol, Room 401-I
Atlanta, Georgia 30334

SUBJECT: State Auditor's Certification
House Bill 809 (LC 21 8309)

Dear Representative Lunsford:

This bill would amend provisions relating to survivors benefits for members of the Superior Court Clerks' Retirement Fund. Specifically, this bill would provide for a postretirement benefit adjustment for certain members who are receiving a benefit on July 1, 2006. Such adjustment would be provided to retired members who elected survivors benefits and the spouse predeceases the member. If enacted, the retirement allowance would be adjusted to equal the maximum retirement allowance which the retired member would have been entitled to receive if the member had not elected such survivors benefits.

This is to certify that this is a fiscal retirement bill as defined in the Public Retirement Systems Standards Law.

Respectfully,

/s/ Russell W. Hinton
State Auditor

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	E Starr
Brown	Y Hooks	Y Staton
Y Bulloch	E Hudgens	Y Stephens
Y Butler	E Johnson	Stoner
Y Cagle	Y Jones	Y Tarver
Carter	Y Kemp	Y Tate
Y Chance	Y Me V Bremen	Y Thomas,D
Y Chapman	Miles	Y Thomas,R
Y Douglas	Y Moody	Y Thompson,C

Y Fort	Y Mullis	E Thompson,S
E Goggans	E Pearson	Y Tolleson
Y Golden	Y Powell	Y Unterman
Y Grant	Y Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
E Harbison	E Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	Y Seay	E Zamarripa
Y Henson	Y Shafer,D	

On the passage of the bill, the yeas were 43, nays 0.

HB 809, having received the requisite constitutional majority, was passed.

HB 1042. By Representatives Williams of the 4th, Dickson of the 6th and Forster of the 3rd:

A BILL to be entitled an Act to amend Code Section 48-7-33 of the Official Code of Georgia Annotated, relating to annual accounting periods, so as to provide for treatment of 52-53 week taxable years; to provide for powers, duties, and authority of the state revenue commissioner; to provide for applicability; to provide an effective date; to repeal conflicting laws; and for other purposes.

Senate Sponsor: Senator Cagle of the 49th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	E Starr
Y Brown	Y Hooks	Y Staton
Y Bulloch	E Hudgens	Y Stephens
Y Butler	Y Johnson	Y Stoner
Y Cagle	Y Jones	Y Tarver
Carter	Y Kemp	Y Tate
Y Chance	Y Me V Bremen	Y Thomas,D
Y Chapman	Y Miles	Y Thomas,R
Y Douglas	Y Moody	Y Thompson,C
Y Fort	Y Mullis	E Thompson,S
E Goggans	E Pearson	Y Tolleson

Y Golden	Y Powell	Y Unterman
Y Grant	Y Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
E Harbison	E Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	Y Seay	E Zamarripa
Y Henson	Y Shafer,D	

On the passage of the bill, the yeas were 47, nays 0.

HB 1042, having received the requisite constitutional majority, was passed.

Senator Eric Johnson, President Pro Tempore, assumed the Chair.

Senator Meyer von Bremen of the 12th asked unanimous consent that he be excused from voting on HB 912 pursuant to Senate Rule 5-1.8(d). The consent was granted, and Senator Meyer von Bremen was excused.

HB 912. By Representative Fleming of the 117th:

A BILL to be entitled an Act to amend Code Section 9-11-34 of the Official Code of Georgia Annotated, relating to production of documents and things and entry upon land for inspection and other purposes, so as to change certain provisions relating to applicability to nonparties; to provide that silence may act as a waiver under certain circumstances; to change certain provisions relating to confidentiality; to provide for related matters; to repeal conflicting laws; and for other purposes.

Senate Sponsor: Senator Smith of the 52nd.

The Senate Special Judiciary Committee offered the following substitute to HB 912:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 9-11-34 and Chapter 33 of Title 31 of the Official Code of Georgia Annotated, relating to production of documents and things and entry upon land for inspection and other purposes and health records, so as to provide for production of certain documents including health records; to change certain provisions relating to applicability to nonparties; to provide that when a nonparty is not served with an objection and the nonparty produces records, the nonparty shall be immune from regulatory, civil, or criminal liability for disclosing confidential information; to change certain provisions relating to confidentiality; to change certain provisions relating to

furnishing a copy of records to patient, provider, or other authorized person; to provide for compliance with the federal Health Insurance Portability and Accountability Act of 1996; to provide for a time period in which records shall be produced in response to a valid request; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 9-11-34 of the Official Code of Georgia Annotated, relating to production of documents and things and entry upon land for inspection and other purposes, is amended by striking subsections (c) and (d) and inserting in lieu thereof the following:

"(c) Applicability to nonparties.

(1) This Code section shall also be applicable with respect to discovery against persons, firms, or corporations who are not parties, in which event a copy of the request shall be served upon all parties of record; or, upon notice, the party desiring such discovery may proceed by taking the deposition of the person, firm, or corporation on oral examination or upon written questions under Code Section 9-11-30 or 9-11-31. The nonparty or any party may file an objection as provided in subsection (b) of this Code section. If the party desiring such discovery moves for an order under subsection (a) of Code Section 9-11-37 to compel discovery, he or she shall make a showing of good cause to support his or her motion. The party making a request under this Code section shall, upon request from any other party to the action, make all reasonable efforts to cause all information produced in response to the nonparty request to be made available to all parties. A reasonable document copying charge may be required.

(2) This Code section shall also be applicable with respect to discovery against a nonparty who is a practitioner of the healing arts or a hospital or health care facility, including those operated by an agency or bureau of the state or other governmental unit. Where such a request is directed to such a nonparty, a copy of the request shall be served upon the person whose records are sought by certified mail or statutory overnight delivery, return receipt requested, or, if known, that person's counsel, and upon all other parties of record, ~~and in compliance with Code Section 9-11-5;~~ where such a request to ~~such~~ a nonparty seeks the records of a person who is not a party, a copy of the request shall be served upon ~~all parties of record,~~ the person whose records are sought, ~~and,~~ by certified mail or statutory overnight delivery, return receipt requested, or, if known, that person's counsel by certified mail or statutory overnight delivery, return receipt requested, and upon all parties of record in compliance with Code Section 9-11-5; or, upon notice, the party desiring such discovery may proceed by taking the deposition of the person, firm, or corporation on oral examination or upon written questions under Code Section 9-11-30 or 9-11-31. The nonparty, any party, or the person whose records are sought may file an objection with the court in which the action is pending within 20 days of service of the request

and shall serve a copy of such objection on the nonparty to whom the request is directed, who shall not furnish the requested materials until further order of the court, and on all other parties to the action. Upon the filing of such objection, the party desiring such discovery may move for an order under subsection (a) of Code Section 9-11-37 to compel discovery and, if he or she shall make a showing of good cause to support his or her motion, discovery shall be allowed. If no objection is filed within ~~ten~~ 20 days of service of the request, the nonparty to whom the request is directed shall promptly comply therewith.

(3) For any discovery requested from a nonparty pursuant to paragraph (2) of this subsection or a subpoena requesting records from a nonparty pursuant to Code Section 9-11-45, when the nonparty to whom the discovery request is made is not served with an objection and the nonparty produces the requested records, the nonparty shall be immune from regulatory, civil, or criminal liability or damages notwithstanding that the produced documents contained confidential or privileged information.

(d) Confidentiality. The provisions of this Code section shall not be deemed to repeal the confidentiality provided by Code Sections 37-3-166 concerning mental illness treatment records, 37-4-125 concerning mental retardation treatment records, and 37-7-166 concerning alcohol and drug treatment records, 24-9-40.1 concerning the confidential nature of AIDS information, and 24-9-47 concerning the disclosure of AIDS information; provided, however, that a person's failure to object to the production of documents as set forth in paragraph (2) of subsection (c) of this Code section shall waive any right of recovery for damages as to the nonparty for disclosure of the requested documents."

SECTION 2.

Chapter 33 of Title 31 of the Official Code of Georgia Annotated, relating to health records, is amended by striking subsections (a) and (b) of Code Section 31-33-2, relating to furnishing a copy of records to patient, provider, or other authorized person, and inserting in its place the following:

"(a)(1)(A) A provider having custody and control of any evaluation, diagnosis, prognosis, laboratory report, or biopsy slide in a patient's record shall retain such item for a period of not less than ten years from the date such item was created.

(B) The requirements of subparagraph (A) of this paragraph shall not apply to:

- (i) An individual provider who has retired from or sold his or her professional practice if such provider has notified the patient of such retirement or sale and offered to provide such items in the patient's record or copies thereof to another provider of the patient's choice and, if the patient so requests, to the patient; or
- (ii) A hospital which is an institution as defined in subparagraph (B) of paragraph (1) of Code Section 31-7-1, which shall retain patient records in accordance with rules and regulations for hospitals as issued by the department pursuant to Code Section 31-7-2.

(2) Upon written request from the patient or a person authorized to have access to the

patient's record under a health care power of attorney for such patient, the provider having custody and control of the patient's record shall furnish a complete and current copy of that record, in accordance with the provisions of this Code section. If the patient is deceased, such request may be made by ~~a person authorized immediately prior to the decedent's death to have access to the patient's record under a health care power of attorney for such patient; the executor, temporary executor, administrator, or temporary administrator for the decedent's estate; or any survivor, as defined by Code Sections 51-4-2, 51-4-4, and 51-4-5.~~ the following persons:

(A) The executor, administrator, or temporary administrator for the decedent's estate if such person has been appointed;

(B) If an executor, administrator, or temporary administrator for the decedent's estate has not been appointed, by the surviving spouse;

(C) If there is no surviving spouse, by any surviving child;

(D) If there is no surviving child, any parent.

(b) Any record requested under subsection (a) of this Code section shall, within 30 days of the receipt of a request for records be furnished ~~within a reasonable period of time~~ to the patient, any other provider designated by the patient, any person authorized by paragraph (2) of subsection (a) of this Code section to request a patient's or deceased patient's medical records, or any other person designated by the patient. Such record request shall be accompanied by:

(1) An authorization in compliance with the federal Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. Section 1320d-2, et seq., and regulations implementing such act; and

(2) A signed written authorization as specified in subsection (d) of this Code Section."

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, the yeas were 30, nays 0, and the committee substitute was adopted.

The report of the committee, which was favorable to the passage of the bill by substitute, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Adelman	Y Hill, Jack	Y Smith
Y Balfour	Y Hill, Judson	E Starr
Y Brown	Y Hooks	Y Staton
Y Bulloch	E Hudgens	Y Stephens
Butler	Johnson (PRS)	Y Stoner
Y Cagle	Y Jones	Y Tarver

Carter	Kemp	Y Tate
Y Chance	E Me V Bremen	Y Thomas,D
Y Chapman	Y Miles	Y Thomas,R
Y Douglas	Y Moody	Y Thompson,C
Y Fort	Y Mullis	E Thompson,S
E Goggans	E Pearson	Y Tolleson
Y Golden	Y Powell	Y Unterman
Y Grant	Y Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
E Harbison	E Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	Y Seay	E Zamarripa
Y Henson	Y Shafer,D	

On the passage of the bill, the yeas were 42, nays 0.

HB 912, having received the requisite constitutional majority, was passed by substitute.

Senator Williams of the 19th recognized O. Bruton Smith, Jeff Burton, Reed Sorenson, John Andretti, Bill Lester and David Ragan, commended by SR 1180, adopted previously.

Senator Chance of the 16th recognized Reed Sorenson, commended by SR 1184, adopted previously.

Senator Douglas of the 17th spoke to SR 1197, designating "Atlanta Motor Speedway Day" at the Capitol.

Senator Harp of the 29th asked unanimous consent that Senator Hooks of the 14th be excused. The consent was granted, and Senator Hooks was excused.

The Calendar was resumed.

Senator Miles of the 43rd moved that the following resolution be withdrawn from the consideration of the Senate.

SR 1189. By Senators Miles of the 43rd, Seay of the 34th, Thomas of the 2nd, Butler of the 55th and Brown of the 26th:

A RESOLUTION commending Ms. Jane Fonda; and for other purposes.

Senator Seabaugh of the 28th objected.

On the motion to withdraw the resolution from consideration, a roll call was taken, and the vote was as follows:

Y Adelman	N Hill,Jack	N Smith
N Balfour	N Hill,Judson	E Starr
Y Brown	E Hooks	N Staton
Bulloch	N Hudgens	N Stephens
Y Butler	Johnson (PRS)	Y Stoner
N Cagle	Y Jones	Y Tarver
Carter	N Kemp	Y Tate
N Chance	E Me V Bremen	N Thomas,D
N Chapman	Y Miles	Y Thomas,R
N Douglas	N Moody	Y Thompson,C
Y Fort	N Mullis	E Thompson,S
E Goggans	N Pearson	N Tolleson
Golden	Y Powell	N Unterman
N Grant	Y Reed	N Weber
N Hamrick	N Rogers	N Whitehead
E Harbison	E Schaefer	N Wiles
N Harp	N Seabaugh	Williams
N Heath	Y Seay	E Zamarripa
Y Henson	N Shafer,D	

On the motion, the yeas were 15, nays 28; the motion lost, and SR 1189 was not withdrawn from consideration of the Senate.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Adelman	N Hill,Jack	N Smith
N Balfour	N Hill,Judson	E Starr
N Brown	E Hooks	N Staton
Bulloch	N Hudgens	N Stephens
N Butler	Johnson (PRS)	Stoner
N Cagle	Y Jones	N Tarver
Carter	N Kemp	N Tate
N Chance	E Me V Bremen	N Thomas,D
N Chapman	N Miles	N Thomas,R
N Douglas	N Moody	Thompson,C
N Fort	N Mullis	E Thompson,S
E Goggans	N Pearson	N Tolleson

Golden	N Powell	N Unterman
N Grant	Reed	N Weber
N Hamrick	N Rogers	N Whitehead
E Harbison	E Schaefer	N Wiles
N Harp	N Seabaugh	N Williams
N Heath	N Seay	E Zamarripa
Henson	N Shafer,D	

On the adoption of the resolution, the yeas were 1, nays 38.

SR 1189, having failed to receive the requisite constitutional majority, was lost.

Senator Williams of the 19th moved that the Senate stand adjourned pursuant to SR 1098 until 1:00 p.m. Monday, March 20, 2006; the motion prevailed, and at 11:03 a.m. the President announced the Senate adjourned.